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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**10 WAYNE SKILES, Individually and On  
Behalf of All Others Similarly Situated,**

**Plaintiff,**

V.

TESLA, INC. et al.,

### Defendants.

Case No.: 3:17-cv-05434-WHO

## **REPLY IN SUPPORT OF MOTION TO LIFT THE STAY**

**Judge:** Hon. William H. Orrick  
**Ctrm:** 2, 17th Floor  
**Date:** November 13, 2019  
**Time:** 2:00 p.m.

1       The plaintiff Wayne Skiles (“Plaintiff”) continues to respectfully request that the stay be  
 2 lifted. The defendants Tesla, Inc. (“Tesla”) and Experian Information Solutions, Inc.  
 3 (“Experian,” together the “Defendants”) do not oppose lifting of the stay.

4       The Court should also order Defendants to re-file their motions to dismiss. Experian has  
 5 requested that it be afforded 30 days to file such motion after the Court lifts the stay (Dkt. No.  
 6 92, 2:12-13). Only Tesla opposes re-briefing.

7       Tesla contends that there is no need for re-briefing because it has already spent time  
 8 preparing the last motion to dismiss (Dkt. No. 93). However, it would not be burdensome at all  
 9 for Tesla to re-file the motion to dismiss after simply omitting the portion that addressed its  
 10 request to compel arbitration. Plaintiff’s previously filed opposition to Telsa’s motion dedicated  
 11 approximately eight (8) pages to the arbitration issue (Dkt. No. 70, pp. 2-3, and pp. 4-10). Thus,  
 12 in fairness to Plaintiff, Defendants should re-file their motions (omitting the moot arbitration  
 13 issue), thus permitting Plaintiff to more fully address the other motion to dismiss arguments  
 14 addressing the three causes of action asserted in the First Amended Complaint (Dkt. No. 61).

15       Experian believes that its motion to dismiss should be refiled, for Experian takes the  
 16 position that there is recent dispositive case law (Dkt. No. 92), case law which Plaintiff should be  
 17 given an opportunity to respond to in detail in writing.

18       Therefore, Plaintiff respectfully requests that the Court order as follows: 1) the stay shall  
 19 be lifted; and 2) Defendants shall re-file their motions to dismiss within 21 days after the stay is  
 20 lifted, with a hearing date set by the Court.

21       Date: October 25, 2019

**KAZEROUNI LAW GROUP, APC**

22       By: /s/ Jason A. Ibey

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